

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Brian A. Jopson and Dawn M. Jopson,
as next friend of Brian Jopson

v.

Case No. 15-fp-429-JL

Andrew R. Schulman, New Hampshire
Superior Court Judge, et al.¹

REPORT AND RECOMMENDATION

In this matter, which has not been opened as a civil case, relating to the arrest or state prosecution of Brian Jopson, the court ordered Brian Jopson to file an appearance either pro se or through counsel, and has ordered payment of the filing fee or the filing of a motion for leave to proceed in forma pauperis, by December 31, 2015. See Dec. 3, 2015, Order (doc. no. 5). No pertinent response to that Order has been filed.

It appears that Brian's mother Dawn Jopson, a signatory to filings in the docket, seeks to use this matter as a repository for documents she asserts emanate from the "Unified United States Common Law Grand Jury" from a Post Office Box in Valhalla, New York. The bulk of the filings in this matter,

¹The clerk's office has docketed Judge Schulman and the following additional individuals and entities as respondents: Hampton Police Department Officer Christopher Keyser, Assistant Rockingham County Attorney Karen Springer, Rockingham County Sheriff Michael G. Hureau, and the New Hampshire Attorney General's Office.

including those docketed as pending motions (doc. nos. 3 and 6), are notice filings that do not seek relief from this court.

Brian Jopson has not filed a timely pro se appearance or an appearance by a member of the Bar of this court on his behalf, and the court has not received the requisite payment of the filing fee or an in forma pauperis motion as directed. Petitioners do not appear to intend to prosecute this action according to the applicable rules and statutory requirements.

Accordingly, the district judge should dismiss the underlying petition, without prejudice to refiling upon payment of the filing fee or the filing of an in forma pauperis motion, and upon appearance of Brian Jopson as the real party in interest, either pro se or through a member of the Bar of this court. The filings that have been docketed as pending motions (doc. nos. 3 and 6), should be denied as moot, to the extent that they seek any relief from this court. All future filings in this matter, after approval of this Report and Recommendation, should be docketed as notices if they purport to be issued by the "Unified United States Common Law Grand Jury," unless this court otherwise directs.

Any objection to this Report and Recommendation must be filed within 14 days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's

order. See Garayalde-Rijos v. Mun. of Carolina, 747 F.3d 15, 21-22 (1st Cir. 2014).

Andrea K. Johnstone
Andrea K. Johnstone
United States Magistrate Judge

January 4, 2016

cc: Dawn Jopson, pro se
Brian Jopson